DOCUMENT RESUME

ED 130 342 CS 501 511

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TITLE Environmental Mediation, Communication and Some Recommendations for the Future.
INSTITUTION Minnesota Univ., St. Paul.
PUB DATE Mar 76
NOTE 11p.; Report on a Seminar, Center for Research in Scientific Communication, Univ. of Minnesota, St. Paul, March 1976

EDRS PRICE MF-$0.83 HC-$1.67 Plus Postage.
DESCRIPTORS *Conflict Resolution; *Environment; Higher Education; *Information Dissemination; Intercommunication; *Problem Solving; Scientific Attitudes; Scientific Enterprise; Seminars; *Technology
IDENTIFIERS Center for Research in Scientific Communication; *Environmental Mediation

ABSTRACT

This paper summarizes the proceedings of a seminar concerning the mediation of environmental disputes, conducted by the Center for Research in Scientific Communication at the University of Minnesota, Saint Paul. Keynote speaker Gerald Cormick, Director of the Office of Environmental Mediation in Seattle, addressed the problems of the mediator's role in conflict resolution, using the Snoqualmie River Dam controversy as an example of an environmental conflict. Results of a survey of seminar participants indicated favorable attitudes toward the concept of environmental mediation and toward the seminar itself. Recommendations for future study included the planning of further seminars and the development of a college course, "Mediation, Arbitration, and Third Party Intervention in Scientific and Technical Issues," on the Saint Paul campus. (KS)

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ENVIRONMENTAL MEDIATION, COMMUNICATION AND SOME RECOMMENDATIONS FOR THE FUTURE

Report on a Seminar,

Center for Research in Scientific Communication

University of Minnesota, St. Paul

March 1976

by L. David Schuelke, Ph.D., Professor and Project Coordinator
Center for Research in Scientific Communication

and

LaVern Freeh, Ph.D., Assistant Dean, Institute of Agriculture
Forestry, and Home Economics

with

Steven Nyquist, Graduate Research Assistant

Department of Rhetoric

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Mediation is a communication technique used to deal with problems of value and policy. It involves the joint working-out of differences, compromise and resolution for action which depends upon open discussion, conciliation and consensus. As a process for handling human conflict, it is as old as man's social history and, in an increasingly divergent society, it is an essential method for peaceful discussion and dialogue.

BACKGROUND. In November, 1975, the Center for Research in Scientific Communication at the University of Minnesota, became aware of a program in Environmental Mediation at the University of Washington, Seattle. Upon the promise of interest and support from the Environmental Balance Association of Minnesota (EBA), the Center contacted Dr. Gerald Cormick, Director of the Office of Environmental Mediation in Seattle.

Dr. Cormick was asked to speak at the University of Minnesota. He agreed and David Schuelke (University of Minnesota) met with David Fradin, Executive Vice-President of EBA, (a statewide association of labor, industry and farming organizations which supports environmental balance). The two discussed the possibility of organizing a seminar on environmental mediation and decided to organize a planning committee representing various environmental interests. George Thiss, Director of the Upper Midwest Council, was asked to head the committee. Other members, besides Schuelke, Fradin, included LaVern Freeh (Assistant Dean and Head of Special Programs, Institute of Agriculture, Forestry and Home Economics, University of Minnesota), Grant Merritt (former Head of Minnesota's Pollution Control Agency), James L. Hetland, Jr., (Attorney), Peter Vanderpoel (Director, State Planning Agency), and Peter Gove (Director, Minnesota Pollution Control Agency).

The planning group formed an ad hoc committee and met initially in November, 1975, and then in December, 1975, to review a draft of the proposed seminar presented by Schuelke and Freeh of the University of Minnesota. With recommendations, the group approved the seminar. The seminar was to be sponsored by the Center for Research in Scientific Communication and the Office of Special Programs at the University of Minnesota on January 29, 1976.

Professors Schuelke and Freeh developed a brochure describing the seminar (Appendix A) and 516 brochures were circulated within the University system and throughout the State. More than sixty businessmen, officials, industrialists, environmentalists, professors and students actually participated in the seminar proceedings held on the St. Paul Campus. The seminar centered on Dr. Cormick's keynote address "A Rationale and Overview of Environmental Mediation." The address was followed by a question-answer discussion period.

SEMINAR. As a conflict resolution and training consultant to private, public and governmental agencies, Cormick has mediated labor, community and environmental disputes in the U.S. and Canada. He has also developed training models to assist both the parties of disputes and potential mediators to develop the skills necessary for effective implementation of the mediation process. Mediation, now a form of arbitration being used to solve disputes between industry and environmentalists, was established as a service at the University of Washington. Established as a part of the Institute for Environmental Studies, the Office of Environmental Mediation began with grants from the Ford and Rockefeller Foundations.

In his presentation, Cormick stressed the point that mediation is not

the answer to all problems, but it is one technique of solving differences. Three basic steps which need to be followed prior to act al negotiation between the two parties include the establishing of priorities, defining the problem and implementing it. "If people can agree on what the problem is you're a long way down the road to a solution," said Cormick. But he did also note that there are issues which simply cannot be compromised through the mediation process.

Cormick described the mediator's role, stressing that while mediators can help groups reach viable decisions, they cannot make decisions themselves. The mediator merely facilitates the discussion, questioning and legitimation processes. Although impartial and not involved in an immediate issue, the mediator should not consider himself neutral. Indeed, it is impossible for any person to be neutral in such a volatile position, Cormick said.

Mediation can result in joint definition of the problem; provide protection for parties that want to look at alternatives, provide a link to decision-makers; insure physical, fiscal and political viability of decisions reached; build communication bridges; and result in best answers or compromise solutions.

The mediation project concerning the Snoqualmie River Dam in Central Washington which Cormick recently brought to a successful conclusion, was used as an example of the mediation process. His account of the valley dispute and the constant interaction between the parties involved strongly supported the value mediation may have in some environmental controversies.

Cormick concluded by reviewing the advantages of mediation. Each

party gets something from the agreement, he said, since all parties concerned are involved. On the basis of the original agreement, future disagreements and changing facts can be dealt with constructively. In all, parties investigating all alternatives of the issue are not likely to destroy possible channels for cooperation and compromise.

RESULTS OF SEMINAR SURVEY

After the Seminar, participants were asked to complete and evaluation form. The results of this evaluation are as follows:

	Yes	NO
Were the objectives of the seminar stated clearly?	28 (78%)	2 (6 %)

	Agree	No opinion	Disagree
Did you feel the main speaker:			
A. had command of the subject	35 (97%)	1 (3%)	0
B. was skillful in presenting subject	35 (97%)	1 (3%)	0
C. was tolerant and helpful	34 (100%)	0	0
Did you feel the seminar:			
A. Was informative and valuable	32 (91%)	3 (9%)	0
B. changed some of your thinking	18 (56%)	5 (16%)	9 (28%)
Environmental Mediation is a possible alternative for helping solve environmental issues.	30 (83%)	5 (14%)	1 (3%)
Would you attend another workshop to examine the feasibility of environmental mediation in Minnesota?	Yes--33 (92%)	No--1 (3%)	

The results of the study indicate that the participants were quite favorable toward the seminar and the concept of environmental mediation.

RECOMMENDATIONS FOR FUTURE STUDY

Since the survey respondents supported the conference overwhelmingly and in light of the increasing number of environmental disputes in Minnesota, additional consideration of the theory and application of the environmental mediation concept would be beneficial.

An additional seminar, including representatives of MPIRG, EBA, environmental groups, industry and labor concerns could consider the feasibility of environmental mediation in the State. The seminar would be useful as an information exchange, updating the status of mediation in Minnesota and could also serve as a forum for discussion of mediation from various perspectives. The current environmental disputes throughout the state could serve as a framework for discussion.

Secondly, the College of Agriculture should consider the possibility of a course being developed and presented within the Rhetoric Department, St. Paul Campus, entitled "Mediation, Arbitration and Third Party Intervention in Scientific and Technical Issues." With the increasing complexity of technology and its ramifications on the society and the society's values, the course could delineate the importance and meaning of evidence as viewed from opposing parties, successful communication techniques (small group processes, interpersonal strategies and discussion techniques) that may lead to conflict resolution.

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ENVIRONMENTAL MEDIATION CONFERENCE EVALUATION FORM

This form has been designed for provide feedback to conference planners for future seminars and workshops.

1. Were the objectives of this seminar clearly stated? Yes No Comments:

2. In your opinion, did you feel the main speakers:

	Circle One				
	Agree				Disagree
a. had command of the subject	A	B	C	D	E
b. was skillful in presenting subject	A	B	C	D	E
c. Was tolerant and helpful	A	B	C	D	E

3. In your opinion, did you feel the seminar:

a. was informative and valuable	A	B	C	D	E
b. changed some of your thinking	A	B	C	D	E

4. Environmental Mediation is a possible alternative for helping solve environmental issues. A B C D E

5. Would you attend a workshop to examine the feasibility of environmental mediation in Minnesota? Yes No Comments:

6. NAME_____

TITLE_____

AGENCY/COMPANY_____

ADDRESS_____

CITY_____ STATE_____ ZIP_____

TELEPHONE_____

UNIVERSITY OF MINNESOTA

ENVIRONMENTAL MEDIATION

A seminar to examine mediation as a means for resolving conflicts over environmental issues.

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Thursday, January 29, 1976

North Star Ballroom
Student Center
St. Paul Campus
University of Minnesota

Sponsored by:

The Office of Special Programs
and
The Center for Research in Scientific Communication

UNIVERSITY OF MINNESOTA

Environmental Mediation Program

Thursday, January 29, 1976

Presiding – LaVern A. Freeh, Asst. Dean and Head of Special Programs, Institute of Agriculture, Forestry & Home Economics

8:30 a.m.	Assemble and refreshments
9:00	Conference Objectives and Introduction of Speaker
	L. David Schuelke, Project Coordinator, Center for Research in Scientific Communication
9:15	Keynote Address–"A Rationale and Overview of Environmental Mediation"
	Gerald Cormick, Director, Office of Environmental Mediation, Institute for Environmental Studies University of Washington Seattle, Washington
10:15	Table Discussions
10:30	Questioning the Speaker by Table Groups
11:30	Additional Table Discussions
11:45	Complete Evaluation Forms
	Adjourn

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The use of mediation, settling disagreements through the good offices of a third party, is often associated with labor-management disputes. Recently, however, a similar technique was successfully applied to a 15–year wrangle over a dam on the Snoqualmie River in central Washington.

On one side were local land developers, powerful community interests, and many downstream farmers as well as the ubiquitous U.S. Army Corps of Engineers, all anxious to dam the wild Middle Fork of the Snoqualmie. Their aim was to control the frequent spring floods that reached their height 16 years ago, devastating two towns and washing out farms. The opponents of the dam included major conservation organizations as well as local and regional groups, intent on preserving a prime wilderness and recreation area from domestication and the development that would surely follow.

The conflict was finally referred to a neutral third force, known then as the Environmental Mediation Project, newly formed at Washington University in St. Louis with funds from the Rockefeller and Ford foundations.

After seven months of negotiations with the warring factions in the Snoqualmie situation, the project, headed by Dr. Gerald Cormick and Jane McCarthy, identified 10 representatives who could command the confidence of the various interests. In hundreds of hours of meetings with this quorum, the flood-control dam was shifted to the North Fork of the Snoqualmie, a less pristine area, and the prime farmland in the lower valley was designated as a greenbelt so that it would be protected against inappropriate development. A revenue-producing recreation area was planned for the confluence of the river's three forks, and a regional planning council was set up to oversee the program's progress.

The success the project had in its first trial has resulted in a new home base at the University of Washington in Seattle. Renamed the Office of Environmental Mediation, the unit plans to concentrate on problems in the Pacific Northwest involving such controversial operations as off-shore oil drilling, river-basin development, strip-mining, timber production, and powerplant siting.

(Saturday Review–Nov. 15, 1975)